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June 27, 2025

VIA ECF

Honorable Michael A Shipp, U.S.D.J.
United States District Court for the District of NJ
Clarkson S. Fisher Building & US Courthouse
402 East State Street
Trenton, NJ 08608

Re: Motion for Appointment of Fouad Kurdi as Mediator
Case No.: 3:16-md-02738-MAS-RLS

Dear Judge Shipp:

We write on behalf of the Johnson & Johnson Defendants regarding the Plaintiffs' Steering Committee's Motion for Appointment of Fouad Kurdi as Mediator and for an Order Directing the Parties to Engage in Good Faith Mediation [ECF No. 39400].

While the Johnson & Johnson Defendants do not object to the appointment of Mr. Kurdi as mediator in this MDL, the Johnson & Johnson Defendants do not believe that mediation is necessary or likely to be productive at this time. The Johnson & Johnson Defendants made a good faith effort to resolve these matters during the recent bankruptcy proceedings, and that offer was ultimately rejected by the same Plaintiffs' counsel here. Given the parties' impasse, the Johnson & Johnson Defendants respectfully submit that the most appropriate path forward is to focus on getting these cases ready for trial.

That said, the Johnson & Johnson Defendants recognize that appointing Mr. Kurdi as mediator here would promote consistency and efficiency, given his role in parallel proceedings and his familiarity with the issues in this litigation. The Johnson & Johnson Defendants therefore do not object to the appointment of Mr. Kurdi as mediator in this MDL, and the parties have agreed to a proposed order to that effect. *See* ECF No. 39400-2.

Thank you for your consideration of this matter.

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Respectfully submitted,

/s/ *Jessica L. Brennan*

cc: All Counsel of Record (via ECF)